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OFFICE OF PETITIONS

In re Application of
Smith et al.
Application No. 10/028,271
Filed: December 28, 2001
Title: Mobile Gateway Interface

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ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed February 10, 2006.

The petition to withdraw the holding of abandonment is **GRANTED**.

This above-identified application became abandoned for failure to timely file a response to a final Office Action which was mailed on March 16, 2005. The final Office Action set a three (3) month shortened statutory period for reply. No extensions of time pursuant to 37 CFR 1.136(a) were obtained. Accordingly, this application was held abandoned on June 17, 2005. A Notice of Abandonment was mailed on January 25, 2006.

In the present petition, petitioner contends the a Notice of Appeal, a petition for three month extension of time and accompanying fee were submitted on September 16, 2005. In support, petitioner has provided a copy of the certificate of transmission. The Office's Auto-Reply confirms the Office received a reply on September 16, 2005.

The response submitted September 16, 2005 has been located in the Office.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

Petitioner is reminded the extendable reply period for submission of the Appeal Brief continues to run from the date the Notice of Appeal was filed on September 16, 2005. See 37 CFR §§ 41.31 and 41.37.

The application is being forwarded to the Technology Center 2600 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with a prominent "C" and "G".

Charlema R. Grant
Petitions Attorney
Office of Petitions